

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Delronezy Washington,)	
)	C/A No. 6:09-2106-MBS
Plaintiff,)	
)	
vs.)	
)	ORDER
Capt. T. A. Van Doran; Capt. T.M.)	
Marshall; Det. R. Dixon,)	
)	
Defendants.)	
_____)	

Plaintiff Delronezy Washington is a pretrial detainee currently detained at the Dorchester County Detention Center in St. George, South Carolina. Plaintiff, proceeding pro se, filed the within action on August 12, 2009, contending that Defendants have unjustly charged him with a crime.

In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to United States Magistrate Judge William M. Catoe for pretrial handling. The Magistrate Judge reviewed the complaint pursuant to 28 U.S.C. §§ 1915, 1915A, and the Prison Litigation Reform Act, as well as applicable precedents. The Magistrate Judge filed a Report and Recommendation on August 18, 2009. The Magistrate Judge noted that (1) federal courts generally are not authorized to interfere with a state's pending criminal proceedings; (2) Plaintiff has not exhausted his state court remedies; and (3) the court is precluded from giving an advisory opinion. Accordingly, the Magistrate Judge recommended that the complaint be summarily dismissed without prejudice and without issuance and service of process. Plaintiff filed no objection to the Report and Recommendation.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court.

Mathews v. Weber, 423 U.S. 261, 270 (1976). The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report and Recommendation and incorporates it herein by reference. The action is summarily dismissed without prejudice and without issuance and service of process.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

September 11, 2009

NOTICE OF RIGHT TO APPEAL

Plaintiff is hereby notified that he has the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.